

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

MDL No. 2419  
Master Dkt. 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

All Actions

**NOTICE OF FILING MODIFIED PROPOSED AMENDED QUALIFIED  
PROTECTIVE ORDERS CONCERNING PRODUCTION OF CERTAIN  
INFORMATION MAINTAINED BY THIRD PARTY PAYORS AND MEDICAID  
AGENCIES**

On October 19, 2016, the Plaintiffs' Steering Committee ("PSC") moved this Court for entry of an Amended Qualified Protective Order Concerning the Production of Certain Information Maintained by Third Party Payors and an Amended Qualified Protective Order Concerning Production of Certain Information Maintained By Medicaid Agencies (Dkt. No. 3134, the "Motion".) At the November 2, 2016 Status Conference the Court requested that the PSC and counsel for certain Clinic Defendants meet and confer on resolution of the Motion. The meet and confer process is now completed and the PSC files the newly modified proposed qualified protective orders, which those Clinic Defendants have indicated they do not oppose. Accordingly, the PSC respectfully requests the Court grant the Motion and enter the amended qualified protective orders attached to this Notice as opposed to the proposed qualified protective orders filed with the Motion.

Dated: November 11, 2016

Respectfully submitted,

**/s/ Benjamin A. Gastel**  
J. Gerard Stranch, IV  
Benjamin A. Gastel  
BRANSETTER, STRANCH &  
JENNINGS PLLC

223 Rosa L. Parks Avenue, Suite 200  
Nashville, TN 37203  
Phone: (615) 254-8801  
Fax: (615) 255-5419  
[gerards@bsjfirm.com](mailto:gerards@bsjfirm.com)  
[beng@bsjfirm.com](mailto:beng@bsjfirm.com)

Thomas M. Sobol  
Kristen A. Johnson  
HAGENS BERMAN SOBOL SHAPIRO LLP  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
Phone: (617) 482-3700  
Fax: (617) 482-3003  
[tom@hbsslaw.com](mailto:tom@hbsslaw.com)  
[kristenj@hbsslaw.com](mailto:kristenj@hbsslaw.com)

*Plaintiffs' Lead Counsel*

Elizabeth J. Cabraser  
Mark P. Chalos  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111  
Phone: (415) 956-1000  
Fax: (415) 956-1008  
[ecabraser@lchb.com](mailto:ecabraser@lchb.com)  
[mchalos@lchb.com](mailto:mchalos@lchb.com)

*Federal/State Liaison*

Marc E. Lipton  
LIPTON LAW  
18930 W. 10 Mile Road  
Southfield, MI 48075  
Phone: (248) 557-1688  
Fax: (248) 557-6344  
[marc@liptonlawcenter.com](mailto:marc@liptonlawcenter.com)

Kim Dougherty  
JANET, JENNER & SUGGS, LLC  
31 St. James Avenue, Suite 365  
Boston, MA 02116  
Telephone: (617) 933-1265  
kdougherty@myadvocates.com

Patrick T. Fennell  
CRANDALL & KATT  
366 Elm Avenue, S.W.  
Roanoke, Virginia 24016  
Phone: (540) 342-2000  
pfennell@crandalllaw.com

Mark Zamora  
ZAMORA FIRM  
6 Concourse Parkway, 22nd Floor  
Atlanta, GA 30328  
Phone: (404) 451-7781  
Fax: (404) 506-9223  
mark@markzamora.com

*Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: November 11, 2016

**/s/ Benjamin A. Gastel**  
Benjamin A. Gastel